



Attorney's Docket No. 016800-145

Patent  
TECH CENTER 1600/2900  
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FEB 15 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Sandrine SEGURA et al. ) Group Art Unit 1619  
Application No.: 09/881,686 )  
Filed: June 18, 2001 )  
For: O/W EMULSIONS COMPRISING )  
MICRONIZED BIOLOGICALLY )  
ACTIVE AGENTS )

Examiner: Lauren Q. Wells

#5198  
2-23-02

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Official Action (Requirement For Restriction) mailed January 15, 2002, in regard to the subject application, Applicants respectfully elect, with traverse, the subject matter of Example 5:

volatile silicone oils as the discontinuous fatty phase;

water as the continuous aqueous phase;

antibiotics as the biologically active agent;

acrylate/C<sub>10</sub>-C<sub>30</sub>-alkylacrylate as the copolymerizate;

glyceryl and PEG-100 as the surfactant emulsifier;

fatty alkyl ethers with a high HLB value as the co-surfactant;

Poloxamer 124 as the wetting agent;

Propylene glycol as the pro-penetrating agent;

carboxyvinyl polymers as the gelling agent; and

treatment of dermatological complaints associated with a keratinization disorder which has a bearing on differentiation and proliferation as the regime, e.g., common acne.

Applicants respectfully request that the Examiner modify the requirement for restriction and consider, pursuant to M.P.E.P. § 803, additional discontinuous fatty phases, aqueous phases, biologically active agents, copolymerizates, surfactant emulsifiers, co-surfactants, wetting agents, pro-penetrating agents, gelling agents, disorders, and regimes, for prosecution at this time. M.P.E.P. § 803 states, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants believe it would not be an undue burden upon the Examiner to expand her search in such a way at the present time. Indeed, **to be complete**, the patentability search would, in, any event, **include** the above categories generically.

Accordingly, modification of the requirements for restriction is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Erin M. Dunston  
Provisional Registration No. P-51,147

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(703) 836-6620

Date: February 13, 2002



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**RESPONSE TO REQUIREMENT FOR RESTRICTION**  
**TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- A Terminal Disclaimer and a check for [ ] \$55.00 (248) [ ] \$110.00 (148) to cover the requisite Government fee are also enclosed.
- Also enclosed is \_\_\_\_\_.
- Small entity status is hereby claimed.
- Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the [ ] \$370.00 (279) [ ] \$740.00 (179) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) previously submitted \_\_\_, on \_\_\_, for which continued examination is requested.
- Applicant(s) request suspension of action by the Office until at least \_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

Response to Requirement for Restriction Transmittal Letter  
Application No. 09/881,686  
Attorney's Docket No. 016800-445  
Page 2

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (103) =	
Independent Claims		MINUS =		× \$84.00 (102) =	
If Amendment adds multiple dependent claims, add \$280.00 (104)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
<b>TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT</b>					

A claim fee in the amount of \$\_\_\_\_\_ is enclosed.

Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Erin M. Dunston  
Provisional Registration No. P-51,147

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